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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,698	04/08/2005	Martin Kuhblank	PAT 2807W-2	7349

42534 7590 09/22/2005

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CANADA

EXAMINER
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GALL, LLOYD A

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/530,698

Applicant(s)

KUHLBLANK, MARTIN

Examiner

Lloyd A. Gall

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### **DETAILED ACTION**

The disclosure is objected to because of the following informalities: Throughout the Abstract, the terms "means" and "said" should not be used.

Appropriate correction is required.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the motion sensor of claim 7 and the remote control of claim 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims 1-9 are objected to because of the following informalities: In claim 1, line 8, there is no antecedent basis for "the seat support". It is also not clear whether a seat support and a bicycle are being positively claimed, or only inferentially claimed. In claim 3, line 2, "and/or" is not clear. In claim 3, line 3, there is no antecedent basis for "the end slit". In claim 3, line 3, there is no antecedent basis for "the thread of the tube". In claim 3, lines 3-4, "the tube of the housing" is not clear in view of "and/or" in claim 3, line 2. Claim 4 is not clear whether multiple tubes are being claimed, or if only a functional recitation is being set forth. In claim 8, there is no antecedent basis for "the alarm" or for "the mobile telephone", nor is it clear if these elements are being positively or inferentially claimed. In claim 8, line 4, "and/or" is not clear. Claim 9 is also not clear whether a remote control is being positively claimed, or not. Appropriate correction is required.

In view of the above claim objections, the claims are rejected as best understood, on prior art, as follows. The claims are currently assumed to not be positively claiming a seat support or a bicycle.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Halter (464).

Halter teaches a lock capable of being mounted on a seat support of a bicycle, including a housing 20 having a spring-loaded 160 drum 90 having a cable/rope with first 230 and second 240 lock parts, an opening 40 for receiving the cable, a cylindrical opening which is centrally arranged, and either the seat support (which is not being positively claimed) functions as a fastener, and also wherein there inherently exists some type of fastener between the housing 20 and the seat support. The support 210 may also be regarded as a tube.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halter in view of Lee (365).

Lee teaches that it is well known in the bicycle lock support art to provide a tube 2 with a support 1, including a nut which cooperates with a slit 14 of a thread 13. It would have been obvious to provide a tube and a nut which cooperates with a slit of a thread for attaching the housing of Halter to the seat support, in view of the teaching of Lee, the motivation being to protect the seat support with the tube, and to provide a strong connection between the housing of Halter and the seat support.

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Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halter in view of Dalaba et al (188).

Dalaba teaches that it is well known to provide an alarm with cable of a bicycle, as well as a reflector 32A, 32B, 43. It would have been obvious to provide an alarm and a reflector with the bicycle lock of Halter, in view of the teaching of Dalaba et al, the motivation being to optimize the security of the bicycle lock.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halter in view of Dalaba et al as applied to claim 6 above, and further in view of Howell et al. Howell teaches that it is well known to provide a motion sensor (see the Abstract) with an alarm. It would have been obvious to provide a motion sensor with the alarm of Halter as modified by Dalaba et al, in view of the teaching of Howell et al, to optimize the security of the bicycle lock.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halter in view of Dalaba et al as applied to claim 6 above, and further in view of Carter. As seen in figure 1 and the Abstract, carter teaches that it is well known to provide a transmitter 71 and a telephone with an alarm (hostile signal indication in the Abstract). It would have been obvious to provide a transmitter and a telephone service with the alarm of Halter as modified by Dalaba et al, in view of the teaching of Carter, the motivation being to optimize the security of the bicycle lock.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halter in view of Dalaba et al and Carlo et al.

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Dalaba teaches a key lock 16, 27 used with a bicycle cable lock. Carlo et al teaches that it is well known to also use a remote control with a key lock (see Abstract). It would have been obvious to substitute a key lock and remote control for the combination lock of Halter, in view of the teaching of Dalaba et al and Carlo et al, since key and combination locks are well known to be interchangeable, and the motivation being to prevent the potential loss of the proper unlocking combination of Halter.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

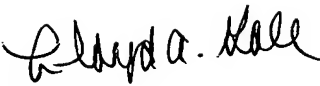
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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September 17, 2005

  
Lloyd A. Gall  
Primary Examiner